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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,268	04/23/2001	Egbert Berend Holtkamp	P66318US0	2525
136	7590	01/13/2004	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,268

Applicant(s)

HOLTKAMP, EGBERT BEREND

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7,10-16,18,19,21,26-33,35-37 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,10-16,18,19,21,26-33,35-37 and 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to applicant's amendment filed on October 28, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

1. The drawings stand objected to as failing to comply with 37 CFR 1.84(h)(3) because in Fig. 4, the plane upon which a sectional view is taken is not indicated on the general view by a broken line, the ends of the broken line should be designated by numerals corresponding to the figure number of the sectional view and have arrows applied to indicate the direction in which the view is taken in order to understand the sectional view belong to what element. Correction is required.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of “detachably mounting one of the at least one covering panel on the outer surface of said at least one basic panel (which is made of air permeable tent cloth material” (claim 1) (the drawing, Fig. 1, only shows the basic panel 4 being covered by covering panels 5, but does not show they forms different material), “forming a gap between the basic panel and said covering panel” (claim 1) (the drawings only shows a gap formed between the roof panel 7 and the upper edge 10 of the side wall panel 4 or formed between the adjacent roof panels 7 and 8), “the at least one covering panel is completely removable from the tent construction” (claims 13 and 42) , “at least the roof panel of “double-walled design having an outer panel and an inner panel” (claim 13), “the inner

panel provides a hollow appearance” (claim 16), “the inner panels provided with one or more waterproof edge strips” (claim 19), and “an inner roof panel is located under a detachable outer roof panel” (claims 33), “double-layered design” such that “a layer of insulating material is provided” “between the layers of covering panels” (claim 36) must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1 and 41 are objected to because of the following informalities:

a. In claim 10, the term “detachable fastening means” lacks a same terminology with the term “detachable fasteners” as previous recited in claim 1. Appropriate correction is required.

b. In claim 21, the term “forming an interspace” (line 6) merely recites a method step of making but not a structural limitation. It should read “an interspace being formed”.

c. In claim 26, “the basic tent construction” should be “the tent construction”.

d. In claim 26, the term “suitable” may cause the claims vague and indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 13-19, 27-33, and 43-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, the claims do not appear to consist with the subject matter as describes in the specification. The specification, as better understood, only describe a tent including a plurality of roof panels including at least one of the roof panel (7) being detachably connected to adjacent roof panels (8, 9) by detachable fastening means along the roof panel edges (7d, 7c, 7b) or along the edges (26, 25, 7a, 10) between the roof panel and the side wall panel (4 or 2). The specification describes the adjacent panels (8,9) as the “outer panel” and the detachable panel (7) as the “inner panel. However, the specification fails to define the roof panel having inner panel located under the outer panel and having a gap formed between the outer and inner panels as claimed. Therefore, clarification is required.

6. Claims 1, 6-7, 10-12, 21, 26-33, 35-37, 42, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1 and 6, it is not clear what does mean by “providing at least one of said basic panels **with** at least one covering panel” (claim 1) and “at least one of the basic panels is provided with a plurality of cover panels arranged as roof tiles” (claim 6). It is not clear where is the location of the covering panel as relative to the basic panel. Is the covering panel

placed over the basic panel or adjacent the basic panel? If the covering panel placed over the basic panel, does the basic panel have an opening (for example a underside area of the basic panel made of air permeable material) that is covered by the covering panel?

In regard to claim 21, the terms “at least one of the basic panels” (line 3) is not consistent with the term “at least one basic panel” (line 2) as previous defined.

In regard to claims 26 and 27, it is not clear what does means by “the basic tent construction is at least partially built up from breathing cloth”. It is confusing whether or not this limitation includes the basic panel and the covering panel. Further, the terms “number of panels” (claim 26) and “detachable panels” (claim 27) appears to read “numbers of covering panels” and “detachable covering panels”.

In regard to claims 28 and 42, it is confusing whether the term “a gap-shaped space” is different then the term “interspace” as previous recited in claim 21. And the term “operable closers” is different then the term “detachable fasteners” as previously recited in claim 21. If not, they must be defined with a same terminology.

Clarification is required.

Claim Rejections - 35 USC § 102

7. Claims 1, 6-7, 11-12, 21, and 26, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US patent No. 1,833,095).

Smith teaches a tent construction being manufactured, comprising steps of: manufacturing a basic tent construction having at least one panel formed by a number of relatively a narrow edge strips (4, 5) providing a plurality of basic roof panels (2) and a plurality basic wall panels (1,3) made from a desired material such as breathing cloth with mesh (2, 3) and

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durable cloth (4, 5), a plurality of covering panels (11, 10) made of waterproof material being partially removal from the respective basic panels with a double-walled design, the outer covering panel (10 or 11) being partially removably mounted to the inner basic panels along the edges of the outer covering panel by detachable fastening means such as operating snap fasteners (16) to form parts of the roof or side walls of the tent structure, an interspaces being formed between the inner basic panel (2, 3) and the outer covering panels (10, 11) forming a hollow appearance for air passing through, and each outer roof panel (11) having holes (14) for receiving tent poles (12a) of a frame of the tent and hooks (13) of one or more tensioning means such as guy ropes (7) to provide means for stretching and tautening the covering panels to open and close the interspaces between the base inner panel and the outer covering panel, and the door panel formed on the wall panel (10) providing an expansion member to enable putting the covering panel (10) partially into an outwardly open position as claimed.

8. Claims 1, 6-7, 11-12, 21, and 26, as better understood, stand rejected under 35 U.S.C. 102(e) as being anticipated by Yang (US patent No. 5,915,399).

Yang discloses a tent construction as a protective tent structure being manufactured, comprising steps of: manufacturing a basic tent construction having a basic inner panel made of a breathing cloth like material such as screen-like knitting fabric (2), at least one outer covering panel (4) made of waterproof material which is air impervious fabrics to effectively block rainwater, said outer covering panel being partially removably mounted on the basic inner panel by suitable fastener means such as by zippers (41) or Velcro fasteners (72) along the edges (41) of the outer covering panel (4), said outer and inner panels (2 and 4) providing a double-wall on

the roof and side wall of the tent structure, the inner panel (2) being provided with waterproof edge strips (3), and at least one expansion member (42) providing tensioning means for tensioning, stretching, and tautening the covering panel of the tent structure into a closed position (see Fig. 2) and enabling to put the covering panel into an outwardly open position (see Fig. 1) .

9. Claims 1, 7, 10, 13, 16, 18-19, 21, 26-30, 33, 42-44, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gustafson (US patent No. 4,719,935).

Gustafson discloses and teaches a tent construction being manufactured inherently with steps, comprising: a basic tent construction having at least one basic panel (75) formed by air permeable tent cloth material such as a mesh sheet, at least one covering panel (18) being formed by weather-resistant material, the covering panel (18) being completely or partially removably mounted to the basic panel by detachable fasteners such as by zipper (19, 83) or Velcro (87, 91) along the edges of the covering panel, a gap inherently formed between the basic panel and the covering panel, wherein the basic panel including an opening enclosed by waterproof edge strips (83) and is closed off by at least one covering panel (18 or 75), and one or more covering panels are arranged to being arranged to fold down to form the side wall panel (39).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 21 above, and further in view of Abert (US Patent No. 3,598,133).

The claims are considered to met by Smith as explained and applied above rejections except that Smith does not define the tent structure having a layer of insulating material provided between the basic inner panel and the outer panel as claimed. Abert teaches a tent structure having double-walls construction including a basic inner wall (14) and an outer wall (12), wherein the outer wall having a layer of insulating material (44) for preventing the interior of the tent from heating and cooling conditions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tent structure of Smith having a layer of insulating material provided between the inner and outer walls as taught by Abert for providing protection of the interior of the tent from heating and cooling condition.

Allowable Subject Matter

12. Claims 14-15, 31-32, and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed October 28, 2003 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that Smith and Yang have tent structures are simply used for windows ventilation but is not used for double-walls and roofs as the claimed invention, it is not deemed to be persuasive. It is noted that applicant only claims a tent structure having a base inner panel being made of "air permeable material" and covered by an outer covering panel, and one or more outer covering panel is completely or partially removed from the tent. In the independent claims 1 and 21, applicant does not either positively claims the inner panel also removable to provide the tent with openings nor positively claims a gap between the inner basic panel and outer covering panel is provided for air through. The claimed features broadly read on the references to Smith and Yang. The basic inner panel of the tent structures of Smith and Yang made of mesh-like cloth material for ventilation is broadly read on the "air permeable tent cloth material" as claimed invention. Wherein, Yang's mesh basic inner panel is considered to be "at least one basic panel" as claimed invention, and it is considered to be a part of a roof or wall of the structure. Whether or not Smith's base inner panel is provided with mosquito netting and is not skeleton as claimed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

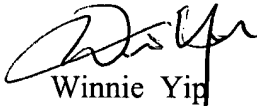
Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Winnie Yip
Primary Examiner
Art Unit 3637

wsy
January 12, 2004